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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

AMERICAN CIVIL RIGHTS FOUNDATION,
 a non-profit, public benefit corporation,

Plaintiff,

v.

CITY OF OAKLAND, CALIFORNIA, a political
 subdivision of the State of California, and the PORT
 OF OAKLAND, a public entity,

Defendants.

No. CV 07-06058 CRB

**PLAINTIFF'S
 NOTICE OF MOTION,
 MOTION TO REMAND,
 AND REQUEST FOR
 ATTORNEYS' FEES
 (28 U.S.C. § 1447(c))**

Date: January 25, 2008
 Time: 10:00 a.m.
 Place: Courtroom 8, 19th Floor
 Judge: The Hon. Charles R. Breyer

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TO ALL DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 25, 2008, at 10:00 a.m. or as soon thereafter as the matter may be heard in the above-entitled court, located at 450 Golden Gate Avenue, 19th Floor, Courtroom 8, San Francisco, California 94102, before the Honorable Charles R. Breyer, Plaintiff AMERICAN CIVIL RIGHTS FOUNDATION will move this Court, pursuant to 28 U.S.C. § 1447(c), to remand this matter to the Superior Court of California, County of Alameda, where this matter was originally filed, on the following grounds:

1. Defendants City of Oakland and Port of Oakland failed to remove this action within the time permitted by 28 U.S.C. § 1446(b);

2. Plaintiff American Civil Rights Foundation has not stated a cause of action granting this Court subject matter jurisdiction; and

3. Plaintiff American Civil Rights Foundation only has standing based on California state law principles, thus Plaintiff does not have Article III standing.

For all of these reasons, Plaintiff maintains that this matter be remanded to the Superior Court of California, County of Alameda, and award Plaintiff its costs and attorneys' fees, pursuant to 28 U.S.C. § 1447(c), incurred in opposing this improper removal.

1 This Motion will be based on this Plaintiff's Notice of Motion, Motion to Remand, and
2 Request for Attorneys' Fees; the Memorandum of Points and Authorities in Support of Plaintiff's
3 Motion to Remand and Request for Attorneys' Fees; the Declarations of Sharon L. Browne and
4 Joshua P. Thompson in Support of Plaintiff's Motion to Remand and Request for Attorneys' Fees
5 filed herewith; the pleadings and papers filed herewith, arguments of counsel, the record in this
6 matter, and such other evidence as may be adduced at the hearing.

7 DATED: December 14, 2007.

8 Respectfully submitted,

9 SHARON L. BROWNE
10 RALPH W. KASARDA
11 JOSHUA P. THOMPSON

12 By /s/ Sharon L. Browne
13 SHARON L. BROWNE

14 Attorneys for Plaintiff
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